

## **SUPPORTING STATEMENT FOR BLS DATA SHARING PROGRAM**

### **OMB CONTROL NO. 1220-0180**

This ICR seeks to revise the BLS Data Sharing Program.

#### **A. JUSTIFICATION**

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The purpose of this request is to allow the Bureau of Labor Statistics (BLS) to facilitate and expedite the granting of access to qualified researchers under BLS data sharing programs. An important aspect of the mission of the BLS is to disseminate to the public the maximum amount of information possible. Not all data are publicly available because of the importance of maintaining the confidentiality of BLS data. However, the BLS has opportunities available on a limited basis for eligible researchers to access confidential data for purposes of conducting valid statistical analyses that further the mission of the BLS as permitted in the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) and under 29 U.S.C. 1 & 2.

The BLS makes confidential data available to eligible researchers through three major programs:

1. The National Longitudinal Surveys of Youth (NLSY) is designed to document the transition from school to work and into adulthood. The NLSY collects extensive information about youths' labor market behavior and educational experiences over time. The NLSY includes three different cohorts: the National Longitudinal Survey of Youth 1979 (NLSY79), the NLSY79 Young Adult Survey, and the National Longitudinal Survey of Youth 1997 (NLSY97). NLSY data beyond the public use data are made available in greater detail through an offsite program to eligible researchers.
2. The Census of Fatal Occupational Injuries (CFOI), as part of the BLS occupational safety and health statistics program, compiles a count of all fatal work injuries occurring in the U.S. in each calendar year. Multiple sources are used in order to provide as complete and accurate information concerning workplace fatalities as possible. A research file containing CFOI data is made available offsite to eligible researchers.
3. Additionally, the BLS makes available data from several employment, prices, compensation, and working conditions surveys to eligible researchers for onsite use. Eligible visiting researchers can access these data in researcher rooms at the BLS national office in Washington, D.C. or at a Federal Statistical Research Data Center (FSRDC).

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

In order to provide access to confidential data under CIPSEA, the BLS must enter into legal agreements with approved researchers' institutions. This information collection allows the BLS to obtain the necessary details for those legal agreements which are not captured through the Standard Application Process (SAP)..

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.**

Approved researchers have the option of submitting forms by email.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item A.2 above.**

The information collected will not duplicate any existing information being collected by the BLS.

**5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

The information is collected from individuals; no small businesses or other small entities are involved.

**6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Information collected in the Data Access Information Forms is necessary to enter into legal agreements with approved researchers' institutions as required by CIPSEA. Information collected in the Special Agreement Check (SAC) Information Form is required by the Department of Labor (DOL) to determine each researcher's fitness to access restricted BLS data onsite at BLS facilities.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances. The data are collected in a manner that is consistent with the guidelines in 5 CFR 1320.5.

**8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection-of-information activity is the same as in prior periods. There may be**

**circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

One comment was received as a result of the Federal Register notice published in 88 FR 37281 on June 07, 2023.

The comment, which was emailed to BLS on June 7, 2023, was out of scope. An important aspect of the mission of the BLS is to disseminate to the public the maximum amount of information possible. This information collection aims to facilitate and expedite the granting of access to qualified researchers under BLS data sharing programs.

**9. Explain any decision to provide any payments or gifts to respondents, other than remuneration of contractors or grantees.**

No payments or gifts are provided to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

Each Data Access Information Form will include the following Privacy Act Statement:

The information you provide will be used by staff at the Bureau of Labor Statistics (BLS) for administrative purposes associated with granting access to restricted BLS data. In accordance with the Privacy Act of 1974 as amended (5 U.S.C. 552a), details about routine uses can be found in the system of records notice, DOL/BLS – 21, Data Sharing Agreements Database (81 FR 47418). Providing the information on this form is voluntary; however, the BLS will not be able to grant access to restricted BLS data without this information. The information provided will be used to draft agreements with your institution, which upon full execution are public records. The BLS is authorized to request the information on this form under Title 5, United States Code, Section 301.

Each SAC form will include the following Privacy Act Statement:

The information you provide will be used by staff at the Department of Labor to check government repositories for prior vetting and/or to conduct a Special Agreement Check (SAC) to determine your fitness to access restricted BLS data. It may be disclosed to other authorized federal officials as part of the SAC process.

In accordance with the Privacy Act of 1974 as amended (5 U.S.C. 552a), details about routine uses can be found in the system of records notice, OPM/GOVT-1, General Personnel Records. Your Social Security Number (SSN) is needed to keep our records accurate, because other people may have the same name and birth date. Public Law 104-134 (April 26, 1996) asks Federal agencies to use this number to help identify individuals in agency records. Providing the information on this form is voluntary. However, the

BLS will not be able to grant access to restricted BLS data without this information. The BLS is authorized to request the information on this form under Title 5, United States Code, Section 301.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

There are no sensitive questions.

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. General, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

**Estimated Annualized Respondent Cost and Hour Burden**

Activity	No. of Respondents	No. of Responses per Respondent	Total Responses	Average Burden (Minutes)	Total Burden (Hours)	Hourly Wage Rate	Total Burden Cost
NLSY	95	1	95	15	23.75	\$38.77	\$920.79
CFOI	3	1	3	15	0.75	\$38.77	\$29.08
FSRDC Researcher	10	1	10	15	2.5	\$38.77	\$96.93
Onsite Researcher	20	1	20	25	8.33	\$38.77	\$322.95
<b>Unduplicated Totals</b>	<b>128</b>	<b>1</b>	<b>128</b>	<b>///</b>	<b>35.33</b>	<b>\$38.77</b>	<b>\$1,369.75</b>

\* [Costs are rounded to the nearest dollar and calculated using a weighted hourly rate. 75% of respondents are expected to be university professors earning an average hourly wage of \$49.27 based on the Occupational Employment and Wage Statistics May 2022 Occupation Profiles [https://www.bls.gov/oes/current/oes\\_stru.htm](https://www.bls.gov/oes/current/oes_stru.htm) (averaging occupation groups 25-1011, 25-1062, 25-1063, 25-1065, 25-1067.) 25% of respondents are expected to be PhD students earning an hourly wage based on the federal minimum wage of \$7.25 per hour, according to *The Fair Labor Standards Act of 1938, As Amended*, revised May 2011, <http://www.dol.gov/whd/regs/statutes/FairLaborStandAct.pdf>]

**13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**

- **The cost estimate should be split into two components: (a) a total capital and start up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of service component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**

- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

a. Capital start-up costs: \$0

b. Total operation and maintenance and purchase of services: \$0

There are no costs to the potential applicants other than the time it takes to complete the applications. Applicants complete the forms based on personal knowledge and experience, which requires no record-keeping or other expenses.

**14. Provide estimates of the annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into a single table.**

The total estimated cost to the Federal government is approximately \$25,000. This reflects staff time spent collecting and processing forms from researchers and in the case of SAC forms entering the required information into the federal credentialing system, USAccess. The Federal pay table used in the calculation of staff salaries can be found at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2023/general-schedule/>.

**15. Explain the reasons for any program changes or adjustments.**

Total respondent burden for the collection of researcher information will be lower than in previous years due to the fact that initial research applications are now gathered through the standard application process (SAP). The forms in this package will collect additional information needed to fulfill agency-specific data security requirements. Since only researchers approved through the SAP will receive the BLS-specific forms, the burden for this package now includes only those individuals rather than all applicants.

**16. For collections of information whose results will be published, outline plans for tabulations, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

The information collected will not be for public use, but rather to fulfill the administrative and legal requirements necessary to grant approved researchers access to confidential BLS data.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

BLS is requesting OMB approval for permission to suppress the expiration date on these forms. A printed expiration date would restrict BLS' ability to use these same forms in subsequent years.

**18. Explain each exception to the certification statement.**

There are no exceptions to the certification.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This information collection does not employ statistical methods.